

Internal distribution code:

- (A) [-] Publication in OJ
(B) [-] To Chairmen and Members
(C) [-] To Chairmen
(D) [X] No distribution

**Datasheet for the decision
of 14 December 2018**

Case Number: T 1843/16 - 3.5.07

Application Number: 14172615.8

Publication Number: 2819123

IPC: G11B27/034, G11B27/10

Language of the proceedings: EN

Title of invention:

Multimedia apparatus with "slide-show" accompanied audio output

Applicant:

Samsung Electronics Co., Ltd.

Headword:

In-place video preview/SAMSUNG ELECTRONICS

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - all requests (no)

Decisions cited:

T 0157/97, T 0273/02



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 1843/16 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 14 December 2018

Appellant: Samsung Electronics Co., Ltd.
(Applicant) 129, Samsung-ro
Yeongtong-gu
Suwon-si
Gyeonggi-do 443-742 (KR)

Representative: Taor, Simon Edward William
Venner Shipley LLP
200 Aldersgate
London EC1A 4HD (GB)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 8 March 2016
refusing European patent application No.
14172615.8 pursuant to Article 97(2) EPC**

Composition of the Board:

Chairman R. Moufang
Members: R. de Man
M. Jaedicke

Summary of Facts and Submissions

I. The applicant (appellant) appealed against the decision of the Examining Division refusing European patent application No. 14172615.8, which is a divisional application claiming an earliest priority date of 2 January 2003.

II. The decision cited, *inter alia*, the following documents:

D5: WO 01/82624 A2, published on 1 November 2001; and
D6: US 2002/0136539 A1, published on 26 September 2002.

The Examining Division decided that the then main request infringed Articles 76(1) and 123(2) EPC and that the subject-matter of its claims 1 and 10 lacked inventive step in view of documents D5 and D6. The first, second and third auxiliary requests violated Articles 76(1) and 123(2) EPC. The fourth auxiliary request infringed Article 123(2) EPC, and the subject-matter of its claims 1 and 7 lacked inventive step. The fifth and sixth auxiliary requests were not admitted into the proceedings under Rule 137(3) EPC.

III. In its statement of grounds of appeal, the appellant replaced its pending requests with a main request and first to fifth auxiliary requests, largely corresponding to the first to sixth auxiliary requests considered in the contested decision.

IV. In a communication accompanying a summons to oral proceedings, the Board expressed, *inter alia*, the preliminary view that the subject-matter of claim 1 of all requests lacked inventive step in view of document D5.

- V. In its written submissions in preparation for the oral proceedings, the appellant maintained its requests and commented on the Board's communication.
- VI. Oral proceedings were held on 14 December 2018 and attended by the appellant. At the end of the oral proceedings, the chairman pronounced the Board's decision.
- VII. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request or one of the first to fifth auxiliary requests.
- VIII. Claim 1 of the main request reads as follows:

"A displaying method in a video apparatus for reproducing a plurality of moving video data stored in a storage medium of the video apparatus, comprising:

- displaying a video list regarding the plurality of moving video data on a display unit of the video apparatus, the video list comprising a plurality of video items, wherein each of the plurality of video items links to a corresponding moving video data from the plurality of moving video data, and each of the plurality of video items in the displayed video list includes a still image (601) in association with a corresponding moving video data, and play time information (604) of the corresponding moving video data;
- selecting a video item from among the plurality of video items in the displayed video list through a user command; and
- displaying moving video data corresponding to the selected video item in place of the still image (601)

of the selected video item, the moving video being displayed while the video list is displayed."

- IX. Claim 1 of the first auxiliary request differs from claim 1 of the main request in that the following text has been added at the end of the claim:

"in response to the selection being changed from the first video item to a second video item, controlling the display unit for displaying a still image of the first video item in place of displaying the moving video of the first video item."

- X. Claim 1 of the second auxiliary request differs from claim 1 of the first auxiliary request in that the following text has been added at the end of the claim:

"and for displaying moving video data corresponding to the second video item in place of a still image (601) of the second video item while the video list is displayed."

- XI. Claim 1 of the third auxiliary request differs from claim 1 of the main request in that "displaying moving video data ... is displayed" has been replaced with the following text:

"reproducing moving video data corresponding to the selected video item in [sic] for the still image (601) of the selected video item, the moving video data being displayed while the video list is displayed;

in response to the selection being changed from the first video item to a second video item, controlling the display unit for displaying a still image of the first video item for the moving video of the first video item and for displaying moving video

data corresponding to the second video item for a still image (601) of the second video item while the video list is displayed."

XII. Claim 1 of the fourth auxiliary request differs from claim 1 of the third auxiliary request in that the text "comprising a cursor" has been inserted after "selecting ... through a user command" and in that "using the cursor" has been inserted after "in response to the selection ... to a second video item".

XIII. Claim 1 of the fifth auxiliary request differs from claim 1 of the fourth auxiliary request in that ", and the size of the moving picture being reproduced is the same as the size of the still image" has been inserted after "reproducing moving video data ... the moving video data being displayed while the video list is displayed".

XIV. The appellant's arguments, where relevant to the decision, are discussed in detail below.



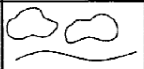
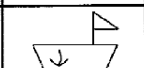




Reasons for the Decision

1. The appeal complies with the provisions referred to in Rule 101 EPC and is therefore admissible.

2. *The invention*

The invention relates to the presentation of a list of video items on a display unit of a video apparatus as shown in Figure 10:

The screenshot shows a graphical user interface for a multimedia management system. It features a list of video programs, each with a thumbnail image, a title, a date and time, and a duration. The interface is divided into three main sections: a header section (410), a list section (430), and a control section (450). The header section contains a 'Program List' label and a 'Total' label. The list section contains four items, each with a number, a thumbnail, a title, a date and time, and a duration. The control section contains an 'Instructions' label and four navigation icons: a four-way arrow for 'Move', a circle for 'Return', a right arrow for 'Enter', and a square for 'Menu Exit'. The labels 601, 602, 603, and 604 are positioned above the columns of the list section.

410		601	602	603	604	
Program List					Total	
		Title	Date	Length		
430		1		Art	24.12.01 11:12	30min
		2		Bear	15.01.02 10:17	55sec
		3		Scene	17.03.02 14:15	43min
		4		Adventure	12.07.02 09:20	12min
450		Instructions	 Move	 Return	 Enter	 Menu Exit

For each item in the list, a still image and the length of the video are displayed (in addition to other information items). When the user moves a selection cursor over an item in the list, the displayed still image for the selected item is replaced with a same-size reproduction of the moving video data corresponding to the video item.

3. Main request - inventive step

3.1 Document D5 relates to a multimedia management system for storing, manipulating and displaying multimedia content (paragraph [0004]). The system includes a user interface that presents multimedia content by means of thumbnails, which are small image representations of larger images or content (paragraphs [0005]). In Figure 11, thumbnails 80, 82 and 84 display images representing the movie content of AVI and MPEG files (paragraph [0029]):

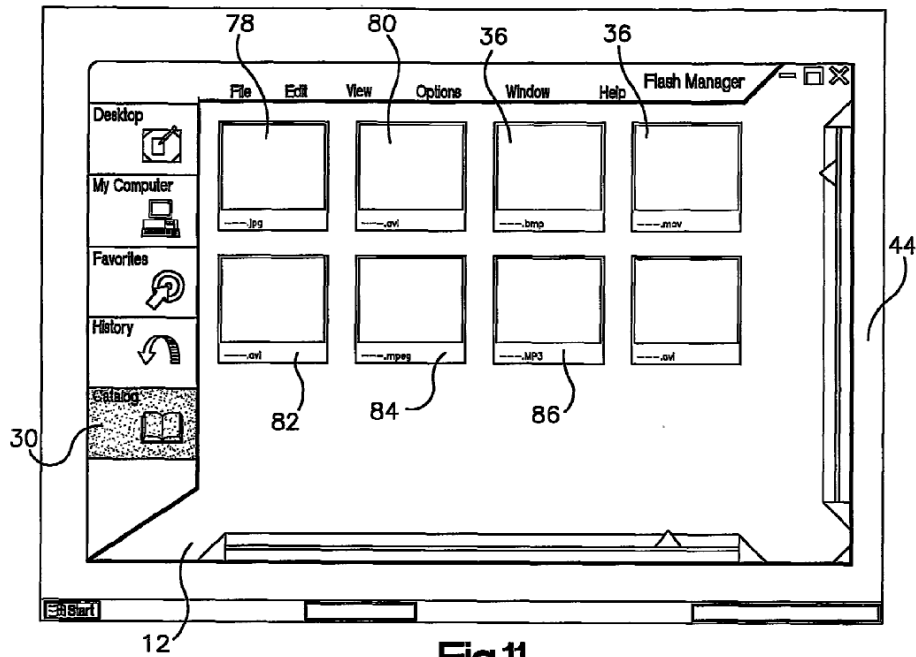


Fig.11

When a user selects movie thumbnail 80, the system automatically places player controls 88 at the bottom of the thumbnail to allow the user to preview the video content of the corresponding file within the thumbnail 80, i.e. "in place" (paragraph [0030]), as shown in Figure 12:

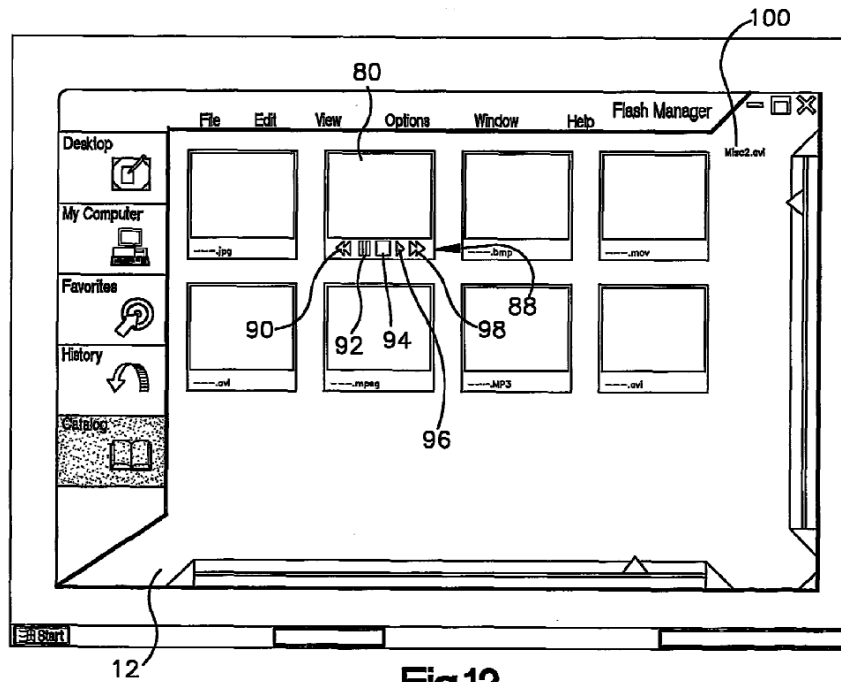


Fig.12

3.2 In the Board's view, the array of thumbnails shown in Figures 11 and 12 qualifies as a "list". Indeed, it is clear from the corresponding arrays in Figures 7, 8 and 10 that the thumbnails are placed in a particular order, first filling the top row from left to right, then the second row, etc.

3.3 The appellant argued that document D5 did not disclose "the transition from a still image to moving video data on selection of the video item".

However, claim 1 of the main request does not require that reproduction of the video data corresponding to the selected video item is started automatically when a video item is selected. It suffices that the user can activate the "play" control 96 shown in Figure 12 and mentioned in paragraph [0030] of document D5.

3.4 The subject-matter of claim 1 therefore differs from what is disclosed in document D5 only in that each (displayed) video item includes "play time information" of the corresponding video data. It is apparent from Figure 10 and page 20, lines 23 to 28, of the description of the present application that the claim's "play time information" refers to "replay time information 604 corresponding to the whole length of the file".

In the system of document D5, the "replay time" of a movie file is available as the "video length in minutes" as part of "detailed information", which the user can obtain by clicking on the file (paragraph [0036] and Figure 16). This information is not displayed for each video item in the list or array of Figure 11, but it would be straightforward to modify the system of document D5 to do so. In fact, the video

items displayed by the system already include their filenames (see Figure 12).

3.5 The appellant did not contest that the skilled person *could* easily modify the system of document D5 in this way. But it did argue that there was no reason why the skilled person *would* do so. In the appellant's view, the length of a video item was important information for a user wishing to make a selection from the list of video items. Immediately displaying this information to the user allowed the user to select a video item more intuitively and more efficiently, which was a technical advantage.

3.6 The question whether the skilled person *would* make a certain modification is to be assessed in relation to the technical effect that the modification actually achieves: would the skilled person have made the modification in expectation of that effect? The Board does not agree with the appellant that displaying the length of each video item amounts to a technical improvement of the selection of a video item. Rather, the manner in which a video item is selected "through a user command" remains exactly the same. If the length of a video item happens to be important to the user, displaying these lengths may affect which item the user selects, but this depends on the user's subjective preferences. Modifying the teaching disclosed in document D5 by including a video item's length in the display of a video item therefore does not achieve a technical effect but rather relates to a non-technical presentation of information. In the absence of a technical effect, the fact that the skilled person *could* arrive at the invention is sufficient to render the invention obvious (see decisions T 157/97 of

18 March 1998, reasons 4.2.4, and T 273/02 of 27 April 2005, reasons 8.7).

3.7 Hence, the subject-matter of claim 1 lacks inventive step (Article 56 EPC).

4. *First auxiliary request - inventive step*

4.1 Claim 1 of the first auxiliary request adds to claim 1 of the main request that when the selection of a first video item is changed to the selection of a second video item, the first video item is again displayed as a still image instead of as moving video.

4.2 Document D5, in paragraphs [0031] and [0032], explains that video or audio files corresponding to the selected thumbnail are added to the list of filenames 100 displayed along the right side of the user interface 12. If this list contains more than one entry, player controls 88 are placed not at the bottom of the thumbnail but near the bottom of the computer screen 120. In this way, "one set of controls can be used to operate whichever thumbnail is selected". In the Board's judgment, it is at least an obvious possibility - if not implicitly disclosed - that when a user changes the selection to a second video item while the video data for the first video item is playing, the thumbnail of the first video item is again displayed as a still image. The feature added to claim 1 can therefore not support an inventive step.

4.3 The subject-matter of claim 1 of the first auxiliary request thus likewise lacks inventive step (Article 56 EPC).

5. *Second auxiliary request - inventive step*

5.1 Claim 1 of the second auxiliary request adds to claim 1 of the first auxiliary request that for the second video item, moving video is displayed "in place of" a still image.

In view of the claim wording "in response to the selection being changed ..., controlling the display unit ... for displaying moving video data corresponding to the second video item ...", the claim now requires that reproduction of the (second) video item is started automatically when the item is selected.

5.2 As explained in point 4.2 above, document D5 discloses that changing the selection of a first video item to a second video item results in player controls being provided for the second video item.

5.3 The Board further considers it to be an obvious possibility not only to automatically display the player controls when the user selects a video thumbnail (as disclosed in paragraph [0030] to [0032]), but also, if so desired, to automatically start reproduction of the selected video item.

In this respect, the appellant's argument that automatically starting reproduction of a selected video item resulted in a "more intuitive two-level preview" does not convince the Board because the degree to which a particular graphical user interface is "intuitive" to a user is subjective, which means that the alleged effect is not a technical effect.

5.4 Hence, the subject-matter of claim 1 lacks inventive step (Article 56 EPC).

6. *Third auxiliary request - inventive step*

Notwithstanding some differences in claim wording, the subject-matter of claim 1 of the third auxiliary request corresponds to that of claim 1 of the second auxiliary requests and therefore also lacks inventive step (Article 56 EPC).

7. *Fourth and fifth auxiliary requests - admission and inventive step*

7.1 Claim 1 of the fourth auxiliary request adds to claim 1 of the third auxiliary request that video items are selected by means of a cursor.

Claim 1 of the fifth auxiliary request adds to claim 1 of the fourth auxiliary request that "the size of the moving picture being reproduced is the same as the size of the still image".

7.2 Neither request was admitted into the first-instance proceedings (then as the fifth and sixth auxiliary requests). Since they can be easily dealt with in substance, the Board exercises its own discretion under Article 12(4) RPBA and admits both requests into the appeal proceedings.

7.3 The use of a cursor to select items was well known in the art and is disclosed in document D5 in paragraph [0031] ("mouse pointer"). The amendment made to claim 1 in the fourth auxiliary request thus does not overcome the lack of inventive step (Article 56 EPC).

7.4 The amendment made to claim 1 in the fifth auxiliary request clarifies the "in place" nature of the playback

of the selected video item but does not further limit the claimed subject-matter, which therefore still lacks inventive step (Article 56 EPC).

8. *Conclusion*

Since none of the requests on file is allowable, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



I. Aperribay

R. Moufang

Decision electronically authenticated